

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UFCW LOCAL 1500 WELFARE FUND et al.,

Plaintiffs,

-v.-

TAKEDA PHARMACEUTICALS USA, INC.
et al.,

Defendants.

23 Civ. 10030 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On February 28, 2024, Defendant Takeda Pharmaceuticals U.S.A., Inc. moved to transfer this action to the United States District Court for the Eastern District of Pennsylvania, “so it can be adjudicated by the Honorable Mark A. Kearney, who presided over a nearly identical case involving the same defendants and alleged conduct that concluded fewer than six months ago.” ECF No. 36 at 1. Plaintiffs’ position is that “the Southern District of New York is an appropriate venue and that the equities do not favor transfer, but [they] nonetheless do not oppose transfer to Judge Kearney in the Eastern District of Pennsylvania. Plaintiffs do not believe there is any basis to transfer the action to a different judge in the Eastern District of Pennsylvania, and would oppose transfer under such circumstances.” *Id.* at n.1.

Having considered Defendant’s unopposed¹ motion to transfer and Plaintiffs’ response thereto, the Court hereby GRANTS Defendant’s motion. All pending deadlines are vacated pending the transfer.

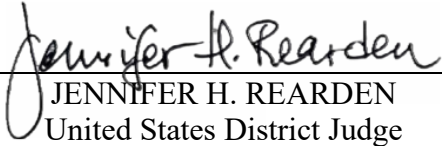
¹ As noted above, Plaintiffs do not oppose Defendant’s motion insofar as the case is transferred to Judge Kearney. However, this Court cannot transfer an action to a specified judge in another district court. Upon the case’s transfer to the Eastern District of Pennsylvania, the parties may request that the court deem this case “related” to Judge Kearney’s earlier-filed case. *See* E.D. Pa. Loc. R. 40.1 (setting forth rules governing “related” cases, including that a case deemed “related” to an earlier-filed case “shall [be] assign[ed] to . . . the same judge to whom the earlier [filed] related case is assigned”); *FTC v. Watson Pharm., Inc.*, 611 F. Supp. 2d 1081, 1088 (C.D.

The Clerk of Court is directed to transfer this case forthwith to the United States District Court for the Eastern District of Pennsylvania.

The Clerk of Court is directed to terminate ECF Nos. 35 and 37.

SO ORDERED.

Dated: March 5, 2024
New York, New York


JENNIFER H. REARDEN
United States District Judge

Cal. 2009) (transferring case upon determining that, under the transferee court's local rules governing related cases, a judge in that court presiding over a similar, earlier-filed case "would likely have this case assigned to him if it were transferred").